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## NOTES ON MUNICIPAL GOVERNMENT.

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### AMERICAN CITIES.

**New York City.**—The Greater New York bill was signed by Governor Morton on Monday, May 11, 1896. Its history is of special interest, as it illustrates the working of the new constitutional provision, which was intended to give to the municipalities of the state a certain control over legislation directly affecting them. It will be remembered that, in 1894, the question of consolidation was submitted to the electors of the districts directly interested, namely, New York, Brooklyn, Long Island City and certain adjacent districts in Kings, Queens and West Chester counties, and resulted in a majority in favor of such consolidation. When the bill came before the legislature, in 1895, its passage was strenuously opposed by a considerable section of the population of the districts, on the ground that the small majority which had expressed itself in favor of consolidation was not to be considered as conclusive of the sentiment of the community; that during the year which had intervened many who had formerly favored consolidation were now opposed to such a step. The bill, however, passed the Assembly and the Senate as a special city bill, that is one applying to less than all the cities of one class, as defined in the constitution. The constitution provides that such bills, after passing both Houses, shall be submitted to the mayors of the cities of the first class and to the mayor and councils of the cities of the second and third classes. After a number of public hearings, the mayors of Brooklyn and New York City passed unfavorably upon the measure. The Mayor of New York in his message to the legislature stated that while favoring consolidation in principle, he objected to the procedure prescribed in the bill. To understand his objections it is necessary to give the leading provisions of the bill as passed. The bill declares that the territory affected by the vote of 1894 upon consolidation, is consolidated in one municipal corporation, but that the present local government shall be left in full operation until the new government is established. For the purpose of framing a charter for this new consolidated city, a commission is to be appointed, to consist of the President of the existing Greater New York Commission, of the Mayors of New York City, Brooklyn, and Long Island City, the State Engineer, the Attorney-General, and nine other persons residents of the territory affected, to be appointed by the Governor, with the approval of the Senate. This

Commission is given full power to examine witnesses under oath, and to procure all information by legal process; the powers to this effect being the same as that of the Supreme Court of New York State. The Commission is to report to the Legislature on or before February 1, 1897, and the officers of the new municipality are to be elected in November, 1897.

Mayor Strong in considering this bill strongly emphasized the necessity of framing a charter before effecting final consolidation. In this sentiment he is supported by many of the reform organizations in New York City, among others the City Club. It is argued that consolidation is not of such urgent necessity as to make it necessary to declare solemnly in a legislative enactment that this vast territory is to constitute one city without giving any clue as to the form of government under which this great city is to be administered. The importance of obtaining a satisfactory form of government for a city with a population of nearly 3,000,000, and a territory of over 138 square miles, has been seemingly lost sight of in the consolidation bill.

The veto message of the Mayor of Brooklyn was still more emphatic than that of the Mayor of New York City. The constitution provides, that in case of a negative attitude of the cities toward special city bills, the bills are to be returned to the House in which they originated and must again pass both Houses. It was thought by the members of the Constitutional Convention that questions involving fundamental principles of municipal policy would only in the most extreme cases be passed over the negative attitude of the cities affected. This expectation, however, seems to have received but little support from the experience of the cities since the new constitution went into effect. In the case of the Greater New York bill, a majority declared in favor of it in both the Senate and the Assembly and the bill was signed by the Governor.

A work of great responsibility now devolves upon the Commission and the form of government devised by them will be followed with great interest by all students of municipal problems.

*Limitation on the Height of Buildings.* In the belief that the rapid increase in the number of extremely high buildings calls for some restrictive legislation in the interests of public health and safety, the City Club has secured the introduction of a bill in the legislature to limit the height of buildings in the city to fifteen times the square root of the width of the abutting street in each case. Certain necessary exceptions are, however, provided for in the bill. That the situation is serious may be inferred from the fact that the plans for more than forty buildings over one hundred feet in height are now pending in the building department.

*Appropriation of City Money by State Legislature.* Several bills are now pending making special appropriations from the treasury of New York City for private charitable institutions. The history of grants of this kind makes this subject one of great and increasing importance to this city. The constant, and apparently inevitable, tendency is for such grants to increase in amount with each institution from year to year. More than this, the tendency is to increase the number of institutions to which grants of city money are made by the state. Most of those who are interested in charitable institutions in New York know that if one institution profits in this way, others of like character are equally entitled to the same advantages. It is impossible to set probable bounds to these demands upon the city treasury. It is an unsound principle of public policy to permit the grant of city funds by an extraneous authority especially when made to institutions which are in no manner under city control.

**Philadelphia.**—A recent report of the Director of Public Works to the Chairman of the Finance Committee of City Councils throws considerable light upon the municipal management of gas works. The dangers to which municipal industrial enterprises are subjected, owing to the desire of Councils to maintain a tax rate at as low a figure as possible, is illustrated in the information furnished by this report. It is not so much inefficiency in the administration of the gas works, as the lack of far-seeing business policy in Councils which accounts for the unsatisfactory condition of the city's plant. During a period of over thirty years, from 1835 to 1887, the gas works of the city were in the hands of a Board of Gas Trustees, which was an irresponsible administrative board, over which neither Councils nor the Mayor was able to exercise adequate control. In 1887, when the last bonds for the purchase of the works and for the payment of which the trustees were created had been cancelled, the gas works were placed under the direct charge of one of the departments of the city government. During this whole period, and even during the ten years of direct city management, the methods of gas manufacture in the city's works have not kept pace with the improved methods adopted in other cities. Councils has steadily refused to make sufficiently large appropriations for the purpose of introducing these new processes. As has been the case in so many other city departments, small sums were allowed each year for improvements, but these were rendered practically useless by a lack of corresponding improvement in other portions of the works. In this report the Director points to the fact that, owing to the inadequate size of the mains, twenty per cent of the total product is lost through leakage, which means an annual loss

of nearly \$600,000. With the additional pressure which the rapidly increasing consumption renders necessary, this loss will probably increase with each succeeding year. The great pressure required also reduces the quality of the gas, owing to the loss of hydrocarbon, due to friction.

The expenditure of \$1,500,000 would greatly decrease the loss by leakage, and would also enable the city to furnish gas of a better quality. According to the Director's estimate, such gas might be furnished with profit at seventy-five cents per thousand cubic feet. With the present attitude of Councils, however, on the question of the tax rate, and with the city's indebtedness close to the constitutional limit, it is probable that the Director's recommendation will be ignored for some time to come. In the meantime, private companies will continue to make bids for the purchase of the gas works. Some of these offers have been coupled with an assurance of an expenditure of over \$5,000,000 to bring the plant into efficient working order.

The Second Annual Report of the Woman's Health Protective Association contains an interesting description of the work which has been undertaken by the society. The important place which such associations have acquired in maintaining a close supervision over the work of municipal officers, in co-operating with them in the enforcement of ordinances, and in bringing to the attention of the community the more urgent needs of the municipality, is well illustrated by this report. The work of the association seems to have been particularly effective in connection with the street cleaning service and the condition of the public schools. In addition, the association has strongly agitated in favor of a filtration plant<sup>\*</sup> for the city of Philadelphia and, in spite of the adverse position taken by Councils on the subject, has been successful in keeping the question continually before the public. The work which the association has done, and the possibilities of future activity are among the most encouraging signs of municipal progress in Philadelphia.

**Buffalo.\***—The Grade Crossings Commission, after a struggle of eight years, has now placed its work in a fair way toward completion as far as the making of contracts with the various railroad companies is concerned. The work of abolishing the grade crossings is now fairly under way at several places, and is expected to cost a little over \$4,000,000, of which the city will pay \$800,000 and the railroads the remainder. In addition, there will be consequential damages by reason of structures erected in some of the streets. The companies are to bear 50 per cent of this burden, the city paying the other half. In the case of two of the roads, which were practically

\* Communication of A. C. Richardson, Esq.

bankrupt and in the hands of receivers, the city has agreed to advance the money for their portion of the work and allow them twenty years for repayment. This action was taken on the advice of the attorney of the Commission, in order to expedite the work. In the case of the Lackawanna Railroad, which failed to come to an agreement with the Commission, an application was made to the Supreme Court for the appointment of commissioners to determine the shares of the expense to be paid by the respective parties, and their report apportions 55 per cent of the cost to the railroad and 45 to the city. It will take about five years to complete the work of abolishing the grade crossings.

Charges of serious "irregularities" have been made against certain employes of the Department of Public Works, and an investigation is now in progress before the Mayor. Three employes have already been indicted, arrested and held to bail on the charge of placing fictitious names on the pay-rolls of city works and appropriating to their own use the money thus obtained. An indirect result of this episode has been to hasten the adoption of civil service rules. In accordance with the power vested in him, the Mayor recently adopted certain amendments to the rules in force. The amended rules extend the competitive system to a number of offices not before included, and provide for a system of registration of laborers similar to that which has proved successful in Boston, New York, Brooklyn, and other cities. This system, however, will not go into effect until July 1, 1896.

In April last the Buffalo Street Railway Company and its rival, or supposed rival, the Buffalo Traction Company, came to an agreement whereby the former was to withdraw its opposition to the latter, and the latter was to secure, if possible, legislation at Albany making its grant of franchise good notwithstanding the refusal of the State Railroad Commissioners to grant a certificate of necessity and convenience. This has since been done, and the bill overruling the State Railroad Commission has been signed by the Governor. It is in form a general bill, covering cities of the first and second classes, but applying only to "consents" obtained between December 1, 1895, and February 1, 1896. These provisions make it, in fact, a special bill covering Buffalo only.

The attorney of the Traction Company stated in a letter to the Mayor that the agreement between the companies is "verbal," and amounts to this:

1. The Traction Company is to be and remain an independent company, building and operating its own lines, but is to revise its lines so as not to parallel those of the old company unnecessarily.

2. The Traction Company is to use the tracks of the old company under conditions to be settled hereafter, paying compensation for such use.

3. The two companies are to arrange for an exchange of transfers, so that any part of the city may be reached from any other part by payment of a single fare.

The Traction Company's bill having become law, their franchise, which had been deprived of all value by the refusal of the certificate from the State Railroad Commissioners, becomes fully effective, and the above agreement, if carried out, will make the two companies practically, though not nominally, one. There is no longer any talk of competition or lower fares. Thus, by the short-sighted policy of the city authorities, every available street in Buffalo has been turned over for a period of sixty-six years to what practically constitutes one company.

The Mayor has started his "potato-patch" scheme this year under more favorable auspices than last, when it was eminently successful. The city has appropriated \$3500 for the purchase of seed and preparation of the ground, and it is expected that a larger number of families will be aided than last year, when the value of food products raised was over \$12,000.

**Cincinnati.\***—The adjournment of the Legislature *sine die* on April 27, has been awaited with impatience. Last fall the *personnel* of the Hamilton County (Cincinnati) delegation was such as to inspire great confidence, it was hoped that the city would be spared harmful and vicious legislation. Now, that the effect of last winter's work has been studied, the real nature of the legislation may be judged.

One of the most harmful acts was the Dana Law so amending the Australian Ballot Law as to effectually prevent the endorsement of good party candidates by independent movements. In Ohio, the blanket ballot is in vogue, and straight tickets can be voted by the placing of an X in the circle under the device of the party, with which the voter is identified. Heretofore independent voters would organize and endorse good candidates selected by the leading parties. Thus a good candidate would often be elected by means of fusion; and by this means many branches of the administration and also the local judiciary have been kept somewhat free from bossism. Under the new law, a candidate's name may appear but once on the ticket, and if he be fortunate enough to receive endorsement from other parties, he must select under which banner he will march. This cuts off all indepen-

\* Communication of Max B. May, Esq.

dent action, and materially weakens the bar movement this fall. It is hoped that within two years this political move will lead to the adoption of the true Australian system.

In the March number of the *ANNALS* an account was given of the Municipal Civil Service bill which had been introduced into the Senate at the suggestion of the local association. After a month's delay, the bill was with difficulty withdrawn from a hostile committee to which it had been referred, and placed upon the calendar. After a lengthy and thorough debate the bill passed the Senate with but two dissenting votes. But a short time thereafter this same body of men reconsidered the vote and the bill failed of passage.

All further municipal reform must be deferred until 1898, in the meantime the local Civil Service Association will continue its labors and the recent order of the President extending the national law may have a good effect upon the electors of the city.

The local machine appreciating that its lease of life is gradually drawing to a close has made a strong effort to gain control of additional patronage and to have charge of the expenditure of millions of dollars. To this end a bill authorizing the construction of a new water works at a cost of \$6,500,000 was railroaded through the legislature. One of the sections of the bill provides for the appointment by the Governor of a commission of five men, one of whom shall be a member of the Board of Administration. In the Senate, largely through the influence of Senator Herron, an amendment was adopted providing that the commission should be appointed and then the bill submitted to the people at a special election. This, at least, would have insured the selection of a competent commission. The House struck out the amendment and the Senate by a narrow majority concurred in this action. Unless the law is declared unconstitutional, and within the past few weeks the Supreme Court has decided several cases which indicate this action, the taxpayers will be burdened without their consent to the extent of about ten million dollars. A better water supply is needed, and the citizens are willing to incur an increase in taxation to obtain one, but they desire to have the work done under the supervision of a competent commission over which they may have some control.

There was likewise much opposition and public outcry against the Rogers bill, which provides for the consolidation of various street railways and the extension of the franchises for a period of fifty years. Some concession was obtained in the power given to the authorities to regulate the fare at the end of the first fifteen years, and at the end of each five years thereafter a better and more liberal system of transfers is put into operation.

A few years ago the Teachers' Association of this city established a pension fund for the aid of old teachers. This year the legislature has enacted a law which establishes a pension fund and recognizes the merit system in the appointment of teachers. It provides that teachers who have served five years shall not lose their positions except for cause. To remove a teacher of five years' experience, written charges must be presented to the Board of Education, which may cause the removal of the accused after investigation; high school teachers are removable after investigation by the Union Board. Then the teacher is further helped by the establishment of a pension fund, the assessment to be one per cent of his salary, and to be invested by a Board of Pension Fund Trustees. There are to be seven of these trustees, two elected from the membership of the Board of Education, one chosen by the Union Board, three by the common school and high school teachers, the Superintendent of Schools being the seventh trustee ex-officio. In cases of physical or mental disability, teachers may become beneficiaries of the pension fund after a service of twenty years, three-fifths of which must have been in the Cincinnati schools. Otherwise women teachers may be pensioned after thirty years of teaching, and men after thirty-five years, three-fifths of which must have been in Cincinnati. The annual pension is to be one-half the teacher's salary at the time of retirement, but shall not exceed \$600. The fund is to be allowed to accumulate until 1899 before any pensions are to be paid.

One of the best measures adopted by the recent legislature was Senator Garfield's Corrupt Practices Act, which regulates the amount of money that may be spent by candidates for nomination and election. Its main features are as follows: No candidate shall by himself or by or through any agent or agents, committee or organization or person or persons spend or contribute to secure a nomination or election, an amount in excess of a sum to be determined as follows: For five thousand (5000) voters or less, one hundred dollars; for each 100 voters over 5000 and under 25,000, \$1.50; for each 100 voters over 25,000 and under 50,000, \$1.00, and nothing additional for voters over 50,000. Any payment, etc., in excess shall be unlawful and the elections in such cases shall be void. Sworn statements must be filed by the candidates after the nomination and election and the treasurers of the respective campaign committees must also file sworn statements of receipts and expenditures accompanied with vouchers. There are ample provisions for the enforcement of the law. It is now in force, and strict compliance therewith during the fall campaign will be demanded.

**Williamsport.**—A general feeling of distrust towards local representative institutions has found its expression in recent constitu-

tional amendments and statutory enactments. The attempt to limit the action of city councils; to prevent, as far as possible, the free exercise of legislative discretion; to provide positive restrictions wherever possible, seems to be the general tendency throughout the United States. If this movement continues with its present rapidity, the next step will probably be the establishment of a municipal referendum to still further control the action of local legislatures. At the present time, considerable agitation in this direction is being carried on in various cities in Pennsylvania. Recently an ordinance was introduced into the City Councils of Williamsport providing for such a system, and, although the ordinance has not as yet been passed, this expression of the new movement deserves attention. It provides that five per cent of the registered voters of the city, upon making a deposit of a sum sufficient to cover the expenses of a special election, may call upon Councils to submit any municipal question to the people, the result of such municipal election is to be binding upon Councils. With the present attitude of the courts the validity of such an ordinance is extremely doubtful, as the courts have steadily held that the municipal legislature cannot divest itself of legislative powers which have been entrusted to it. It must be said, however, that the specific question here considered has not, as yet, been made the subject of judicial adjudication.

In many of the states the courts have held that where the applicability of a general law to a local district is in question the principle of local option may be applied. Where, however, a question is submitted primarily to the local electors the courts regard it as a delegation of legislative power and therefore unconstitutional. Of course this could be cured by means of a constitutional amendment giving specific authority to adopt such a system. As regards municipalities the case against the validity of such a procedure seems all the stronger inasmuch as such bodies may only exercise the powers given them in their charters.

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#### FOREIGN CITIES.

**London.**—During the present year a number of conferences of delegates from local districts in the County of London have been held, for the purpose of discussing questions of administration, but partly to arrive at some conclusion as to the proper division of functions between the County Council and the parishes. The result of these conferences will be of great value in furnishing material for a plan of unification which will give to London and adjoining districts a fully

organized municipal machinery. To judge from the proceedings of these conferences, the authorities of the local districts are by no means in harmony with the County Councils as regards the proper line of division of functions between the central municipal authority and the parishes.

*Recent Assessment of Real Estate in the County of London.* The recent quinquennial valuation shows an increase of rental valuation of nearly \$14,000,000, an increase of 8 per cent over the valuation of 1890. The increase, however, has not been uniform throughout the district, some of the parishes showing an increase of 19 per cent, others remaining almost stationary. The increased valuation means a large increase in the tax receipts of the County Council. With the same rate to the pound, the general fund will receive \$5,000,000 more than last year; the school fund, \$4,000,000; and the police fund, \$3,000,000.

**Toronto.**—Within the last few years the city of Toronto has entered into important contracts with private corporations in such matters as street railways, gas, water, etc. In all these, provisions have been inserted providing for annual percentage payments to the city treasury and assuring to the city participation in increasing profits. One of the more recent of these contracts has relation to the telephone service. The contract provides that the company shall pay into the city treasury a percentage of gross receipts from the service within the city. The payment is fixed at five per cent, and the company is compelled to "permit its books evidencing such gross receipts to be examined and audited quarterly by the city auditors, or some other persons appointed by the Council." The contract further provides that the rate per annum for telephone service in private dwellings shall not exceed twenty-five dollars; for business houses, forty-five dollars. Further provisions prescribe with great detail the rights of the city and company as to conduits laid by the company.